

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:11CR373-FDW

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	SECOND FINAL ORDER
v.)	AND JUDGMENT
)	CONFIRMING FORFEITURE
NASSER KAMAL ALQUZAH (10),)	
)	
Defendant.)	

THIS MATTER is before the Court on the government's motion for a second final order and judgment confirming forfeiture in accordance with the Preliminary Order of Forfeiture (Nunc Pro Tunc) (Doc. 446) regarding defendant Alquzah (the "Preliminary Order"), as amended.

Based on the record, the Court finds as follows:

1. On February 10, 2014, this Court entered the Preliminary Order pursuant to Rule 32.2(b) and 18 U.S.C. §§ 981 and 982, 21 U.S.C. ' 853(a) and (p), and 28 U.S.C. § 2461(c), based upon the defendant's conviction at trial on Counts One and Seven in the bill of indictment. The Court considered the trial evidence, the exhibits provided with the government's motion for the Preliminary Order, and the evidence presented at a hearing on January 30, 2014, including the stipulations of the parties and exhibits previously admitted at trial, and ordered the forfeiture of financial accounts and other assets, together with a forfeiture money judgment of \$8.4 million.
2. On April 29, 2014, the Court entered judgment as to the defendant (Doc. 482) and incorporated the Preliminary Order as to forfeiture.

3. On February 21, 2014, the government served direct notice of the Preliminary Order by certified mail on all known potential claimants, as set forth in the exhibits submitted with the government's motion for the first final order as to this defendant (Doc. 573, filed July 24, 2015). In addition, on February 27, 2014, through March 28, 2014, the government published via www.forfeiture.gov, notice of this forfeiture and of the intent of the government to dispose of the forfeited property according to law, and further notifying all third parties of their right to petition the Court within sixty days from February 27, 2014, for a hearing to adjudicate the validity of any alleged legal interest in the property. *See* Declaration of Publication filed April 15, 2014 (Doc. 472).

4. On March 14, 2014, three petitions were filed by third parties to contest assets listed in the Preliminary Order. *See* Petition of Amer Quzah (Doc. 462); Petition of May Hassounah (Doc. 463); Petition of Ali Alqaza (Doc. 464). Prior to the government's motion for a first final order, two of these petitions were determined as to all of the contested assets, in part by settlement and in part by summary judgment. *See* Order (Alqaza) filed December 2, 2014 (Doc. 543) (settlement, with the additional consent of Quzah as to one asset); Orders (Hassounah) filed March 13, 2015 (Doc. 565) (summary judgment) and April 30, 2015 (Doc. 570) (settlement). By these orders, the Court amended the Preliminary Order to account for the interests asserted by petitioners Ali Alqaza and May Hassounah. The Court then entered the First Final Order and Judgment Confirming Forfeiture on July 24, 2015 (Doc. 574), to complete the forfeiture of the remaining assets that were not released in connection with those two petitions.

5. In addition, the government has consented to relief based on the legal interests of two secured creditors, which have not filed petitions herein. The Court has ordered that relief, consisting of a full loan payoff following forfeiture, with a stipulated per diem amount, or allowing

a right of foreclosure in the alternative. *See* Order filed April 4, 2014 (Doc. 468) (Bank of the Bluegrass); Order filed April 30, 2015 (Doc. 569) (CitiMortgage, Inc.).

6. Finally, the government moved to amend the Preliminary Order to delete one asset identified as “Subway 22598” in Mt. Pleasant, South Carolina, which had lost substantial value for several reasons and could not be sold. The Court granted the motion. *See* Order filed April 22, 2015 (Doc. 568).

7. The third petition, filed by Amer Qazah, has now been adjudicated. As to defendant Alqazah, the Court entered a consent order on December 2, 2015 (Doc. 584), directing payment of \$2,000 from the FFC xxxxxx1891 account to the Marshals Service for cleaning expenses; releasing the remaining funds in that account (approximately \$55,049.51) to petitioner; and forfeiting the balance of the FFC xxxxxx1906 account (approximately \$5,750.92) to the United States.¹

8. No other person has filed a petition within the time permitted by law to assert an interest in the FFC xxxxxx1906 account, as listed in the Preliminary Order, which is the last remaining Alqazah asset. All of the other assets linked to defendant Alqazah and listed in the Preliminary Order have been released or finally forfeited, as set forth above.

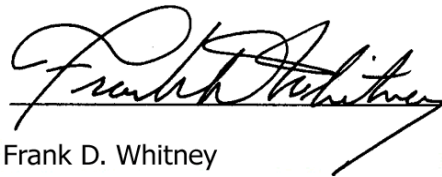
¹ Also on December 2, the Court entered a consent order (Doc. 583) amending the Preliminary Order to delete certain assets linked to defendant Kamal Qazah.

The Preliminary Order is therefore confirmed to give the government clear title to the following asset:

Financial accounts.

4. First Federal Charleston xxxxxx1906 (funds transferred from xxxxx1782).
See Order (Doc. 584) at 4.

IT IS SO ORDERED.



Frank D. Whitney
Chief United States District Judge 